

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
December 18, 2013**

Meeting was called to order at 6:18 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Harding, Mr. Parys, Mr. Schmid, and Ms. Scott-Pipes.

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include 700 Glades Road request to review a revised plan Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Boy Scout Project: Jake Foley

Troop 7 – Jake Foley, 14 years old and his father were present. Working toward life rank, a step toward Eagle Scout. Was asked if he'd be interested in working on trails. Have a number of projects involving maintenance of trails and a couple of properties recently acquired. It would be a good idea to make a list and get together informally. Mr. Snow requested contact information and will get in touch within a month or so. Mr. Schmid asked if he would be working alone. No, there may be 15 to 20 scouts for 6 hours to equal 1 day. A number of scouts are going for the Life Rank. Mr. Foley: They can't use power equipment. They need to supply any tools and if there are costs, they have to raise the money themselves. He's anxious to get it done within the next couple of weeks. Mr. Snow will get in touch with him by the end of the week. A Conservation member should flag a trail.

Request for Determination: Harrington, Jr., Chief Justice Cushing Hwy. (construct an approved detention basin)*

Paul Mirabito from Ross Engineering, Atty. Ohrenberger and Atty. Jeff Delisi were present at the hearing. Bill Harrington has been approved by the Planning Board for a flexible open space subdivision back in 2004, 2006 or 2007. Stormwater meets BMPs. This is 18 acres on the west side of 3A. Dave Nyman reviewed the project for Planning. The basin extends the length of the property line. The outfall is 105' away from the wetland. Subsequent to the issuance of the two special permits, the abutters appealed. They filed an RDA to have the wetland determined. Wetland buffer did come up to a portion of the detention basin. DEP had a site walk with Brad Holmes, Brook Monroe and Gary Makuch; they modified a few flags. Plan was prepared by Ross Engineering with an approved wetland line, but not until the work was done was it discovered that a portion of basin was within the 50' and 100' buffer zone. The project has been reviewed twice. The only work in the Commission's jurisdiction is the berm. The purpose of the berm is to control runoff. Mr. Gallivan: superseding positive determination from DEP. Two or three different boxes are checked that state a Notice of Intent should be filed; have not checked if it falls within a riverfront area. Mr. Mirabito spoke to Greg DeCesare this afternoon and he stated there were errors on the form and he would call Pat. Project was designed to be out of Commission's jurisdiction. There are no wetlands on the site, but there is grading and clearing of trees in the buffer. There are 8 duplex house lots and a permit for three common driveways. Drainage system with treatment was developed; a series of stormceptors, grass swales, deep sump catch basin, and stormwater basin for additional treatment. How much disturbance in the 50' and 100' buffers? 1200' to 1500' sq. ft. and 8000 or 9000 sq. ft. within the 100' buffer. Only buffer work is a 4 to 5' earthen berm. Mr. Gallivan: at the back side of the basin, could it be graded differently to reduce tree cutting? There is a 3' separation to ground water, which is allowed in the Water Resource Protection District with a 4 to 1 slope. Side slopes are planted, but can't have trees on the side of the berm. DEP has reviewed and there are no issues with the abutters now. Mr. Harding: don't know how we can approve with an RDA. Mr. Parys: positive determination, only looked at the wetland line. Greg DeCesare explained it is not in the riverfront. Pond is not considered to be riverfront; only where the stream enters the pond. The subdivision road is probably 500' to 600' away from where the stream. Mr. Gallivan: need to verify things with DEP. Ms. Scott-Pipes: there is substantial clearing in the 50' buffer for the grading and wall. At least have to give mitigation for clearing in the 50'. Mr. Snow: Commission can increase the buffer zone when a project is in the Water Resource Protection District. Mr. Parys: not that much is going on in the 50', curious why the berm wasn't contoured to remove it from the 50' buffer altogether. When the project was designed, we didn't know there were wetlands until the abutter appealed. A wall was designed to meet requirements of the stormwater regs. You could make a shorter wall to stay out of the 50' buffer, that way we could approve under an RDA. Mr. Snow: if this project is in the buffer zone stormwater is the Commission's responsibility. Stormwater has already been reviewed. Mr. Parys: we are being brought in after-the-fact. Mr. Schmid: DEP's superseding determination checked A box erroneously, but if 2 and 2A are still in effect, they require an NOI. The area under the act is the wetland, which is offsite, and can't go off property to do any work. 2A. boundary delineation specified 5/8/07. That was the plan she had her wetland scientist prepare. 2B. is the riverfront which is not involved. Greg looked at 3 and felt that it was an error; he said he would issue a corrected Determination. Mr. Gallivan: Haven't seen the delineation; maybe it wasn't a full wetland review. Brad Holmes reviewed. We don't have it. Vinny Kalishes agreed there were no wetlands. Mr. Snow: fully developed area to the left, concur there are no wetlands. Mr. Gallivan: need to discuss the incorrectly checked form with DEP. And make sure the whole site has been looked at for wetlands. Usually we have more information. Any proposed plantings? Motion to continue the hearing to January 22, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Fitzpatrick, 121 Indian Trail (retaining wall/minor septic work)

Frank Snow recused himself. Marta Nover, from Nover-Armstrong, Atty. Bill Ohrenberger, Joan and James Fitzpatrick were present at the hearing. Barbara Thissell could not attend. Mr. Harding took over as chairman. This project is on the south side of Indian Trail. North is the water side. Proposing a three-bedroom, single-family home with a detached shed in the back. The septic system has been approved. There will be a pervious pavement driveway and pervious pavers around the home. The green on the plan is grass. The 100' and 50' buffer zones to the BVW are marked, also the 125' from a potential vernal pool, identified in August. Project is subject to stormwater standards. Barbara Thissell and Josh Bows have been discussing; they are now down to minor details. Josh Bows recommends three conditions that everyone is in agreement with. The no disturb zone is the erosion control line, the heavy dashed black line on the plan. The BVW is offsite on Town of Scituate land. Submitted field data forms. Hung a flag at the potential vernal pool; classic area, devoid of vegetation, looks like persistent standing water. From that point the project was designed. Pool is off property by about 30', project is 125' away. Edge of system is 126' from

the wall associated with the septic. There is a lot of ledge. Proposing a grassed basin that Merrill reviewed. Mr. Gallivan: an area was going to be used for retention, but Josh would like Barbara to revise. Walked the site and expect the wetland to move; soils are not verified. Vernal pool at flags 3 and 4 need to determine the boundary. Have to rule out other areas as vernal pools. Ms. Scott-Pipes: is there a reason the leaching field is 11' off the shed, especially if the vernal pool is a little bigger? This is a Hoot treatment system. Mr. Schmid: if we can close the hearing we definitely want what Merrill's suggestions followed. Ms. Scott-Pipes: The building is far away from the vernal pool. Gary Banks, 128 Indian Trail: He read a list of his concerns including drainage. Vernal pool should be located further north. To the west there is standing water at least 9 months of the year. Reserve area test pit 7 and 8 - does the reserve have to meet the same restrictions as the septic? There is underlying ledge, even if the drainage is installed; drain will follow the crevice and go into the vernal pool. Concerned because of what he has seen at 136 Indian Trail. 20' x 30' shed could be turned into another dwelling. What happens when applicant moves in and clears trees? Do your job and do not allow site to be developed. Mr. Schmid: plan shows reserve, but Hoot system doesn't have any reserve. Reserve area was designed for a regular system, which you must prove you can put in. Town's consultant and their engineer have worked to meet all requirements. That whole neighborhood has a high level of ledge, but actually this site will have less impervious, actually increasing the drainage and we shouldn't be penalized for another property's issues. Jim Blackburn, 101 Indian Trail: They are right about the reserve, but the reason they went with a Hoot system was because they could only have one bedroom with a regular system. What Gary said is absolutely accurate. Most of Indian Trail is ledge, and what isn't, is packed soil. Hoot system serves the problem of the septic, but what about the problem of drainage. This is a tough, elevated lot, where drainage will go to his property, Gary's and the other abutters. Mr. Schmid: drainage calcs have been reviewed. Mr. Gallivan: would be good to have both engineers here since the lot near here didn't go right. Without any engineers, there may be some things not covered. Gary Banks: where does the affluent go from a Hoot system? Drip line infiltrates into the soil. Greg Morse: Hoot replaces a conventional septic tank. There is a credit that allows reduction to groundwater and 50% size reduction; sits 6" below the ground. You have to show a design for a system of the same size and same capacity. Mr. Harding: would it affect you if Barbara Thissell and Josh Bows were present at the next meeting? Mr. Ohrenberger: would it be possible to have draft conditions? Probably. Motion to continue the hearing to January 6, 2014 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Hering, 21 Town Way Ext. (install tight tank)*

Bob Crawford from E.E.T. was present at the hearing. Abutters' notification was submitted. 5500 square foot lot on the westerly side of Town Way Extension. Existing 2-bedroom house; tight tank designed accordingly. Providing a 2000 gallon tank, basically for strength and more ballast. The tank will be waterproof; poured in hydraulic cement; put at the highest part of the lot. We do not have title V approval. Needs a public hearing and state approval; in any event have to continue. Reason for the tight tank is the existing system was destroyed. According to the owner there was a 1,000 gal tank and leaching pit; based on the grade, the base of the pit would be in the water table. Mr. Schmid: what will keep the tight tank from washing away? It is an improvement over the system that is there. It is a cast iron frame and cover. Mr. Gallivan: Any other options or sometimes they are raised above flood elevation. Wonder how DEP allows what they do. Mr. Snow: That tank looks like a regular tank. Should it have a foot at the bottom? Did a buoyancy test; could make it less buoyant by putting 6" of cement around it. Motion to continue the hearing to January 22, 2014 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: 13 Wheeler Ave. Realty Trust / McKenna, Tr., 13 Wheeler Ave. (raze/rebuild)*

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted. Razing and rebuilding a single-family home. This is an existing 7229 sq. ft. lot. Property is in an AE flood zone elevation 13', land subject coastal storm flowage and salt marsh at the east and south boundary. Brad Holmes delineated the marsh. 50' no disturb zone covers most of the site. House, lawn and driveway all within the 50' no disturb zone. Topo at Wheeler elevation 15' and at the rear elevation 12'. Zoning approved. Tried to locate house as far forward as possible; reconnecting to sewer, water, electricity. Will have a pervious driveway and no grade change. At the closest point to the wetlands the house is 25'. Entire buffer is lawn right up to the edge of the saltmarsh; hoping for a waiver of the 50' buffer. Proposing 10' to 15' vegetative buffer along back portion and along southern line 10' off the resource a split rail fence. Abutters submitted letters of support to the Zoning Board. Ms. Scott-Pipes: What type of foundation? Slab concrete foundation. Have an issue with the 50' buffer, more than doubling the size of the footprint; not comfortable. Mr. Harding: same concerns as Penny. Mr. Parys: basically it is a house lot, with a developed lawn; not taking away any buffer zones, or causing any additional disruption. Ms. Caisse agrees. Mr. Gallivan: 50' buffer is in the bylaw. New dwelling is much closer; going from lawn to structure, more impervious. It is going to be an impact; less area for water to infiltrate; agree with Penny. Mr. Snow: missed mitigation. Along easterly side A1 and A6, 10' to 15' planted buffer. Along whole southern boundary (Wheeler Ave.) between A6 to A12 will provide a split rail fence. Identified six key environmental functions in the bylaw; none exist today. #5 is most critical, human impact and created a deterrent with the plantings and fence. Reducing amount of lawn and chemicals applied; no paved driveway; plantings may improve wildlife habitat. Mr. Parys: Lawn is right up to the wetland line. Maybe if buffer was planted on the southern side also, might grow in and create a bigger buffer. Ms. Caisse: date of FIRM maps 2012 or 2013? Reference the flood map in effect today, but plan on building in compliance with the change. Mr. Snow: does seem a huge increase over what is there. Possibly reduce the footprint and get a good planting buffer on the south as well as the east. Ms. Scott-Pipes: Not a very big lot, that's why the little house was appropriate. Mitigate and maybe the house doesn't have to be as big. Mr. Snow: seems like you are pushing the envelope. Just less than 3,000 sq. ft. on a 7200 sq. ft. lot; it is over 2.5 stories. Motion to continue the hearing to January 22, 2014 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request to review Revised Plan: 700 Glades Road:

Greg Morse was present. Revised plan was passed out. Existing house received a permit for an addition, septic, and a detached building. After working with the architect would like to make a revision to the addition. What was permitted on the east side on plan is in orange. They were originally going to keep the bump out, but now do not want to. Want to square off the footprint. Only resource area was the coastal bank. Would like approval to make as a field change. Mr. Snow: reduction in square footage. Motion to allow for a field change and accept the revised plan Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Duval, 87 Maple Street (restoration and replication of disturbed wetlands)*

Applicant's representative requested a continuance. Motion to continue the hearing to January 6, 2014 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions regarding street cleanup Minot to Humarock by DPW: Conditions are still in effect weren't followed to the T last winter. DPW, TA, and Selectmen should have copies. These are the orders that any other contractor in town would need to follow. Realize it is usually an emergency situation. Need to review orders with Kevin Cafferty and Mike Breen, and have them know what they are supposed to

do. Schedule them for the next meeting. Mr. Parys: We prohibit people from dumping on other people's property. Dumping on a driveway is not the barrier beach. Mr. Snow: Don't think people have a problem with cobble going back on the beach. The first order of business is to clear the road. Under the WPA we can't tell them where to put the rocks. Personally don't want to get into telling DPW how to clear roads, but cannot put it on the marsh. We want to protect the resource areas. Ms. Caisse: shouldn't go at the end of the street, in a person's driveway or on the riverside; they should go back on the beach. Establish a time frame to go back on the beach. They may not be able to get it back for a while. If they run out of money, take a percentage of the tax money. That has nothing to do with the Commission. We make conditions of what we want and the question is what does the Conservation Commission want to see done? All the contractors should be familiar with our orders. Mr. Snow read Al Bangert's letter from last year which spells out the procedure. To tidy up after each storm event is not feasible. Rosemary Dobie: everyone understands many of those homes are seasonal, that's why they are not screaming. Last year the rocks went to the second stories of the homes; public safety issue supersedes everything else. All of us understand in an emergency road needs clearing and pushed somewhere. Now there are piles, if you allow that to build up all winter, it will go back to 20' high in front of homes. No one is asking DPW to come through after every storm. Push it down to an empty lot. Need someone to contour the beach, even if they have to hire someone to tell them how to contour the beach. Debris was pushed out onto the marsh, rocks kill the marsh. Think we should deal with the orders. They cover Minot to Humarock. There is not much over wash until Surfside; some over wash onto Glades Road. The town leaves Surfside Road alone; it functions as a barrier beach. They used to use emergency orders to clear Mann Hill Road and Stone Ave., now they just put a new road over the top of the stone. Not much over wash again until 3rd & 4th Aves. and they pile it up in the staging area between 10th and 6th, and then haul it to the seawall at the lighthouse; assume the town did that. Doesn't happen around the harbor or the cliffs, but at Town Way, Inner Harbor and Peggotty, the only thing they did there was dig out the creek so it didn't flood Gilson Road. Conflicting information from DEP, try and minimize any obstruction that would interfere with the movement of a barrier beach. That material wants to move inland. Rosemary Dobie: Humarock is not acting like a barrier beach at this point; it is an altered resource. If material washes out onto the marsh, it is sad because it is killing it. The marsh will keep moving out, but don't want to mechanically move it toward the marsh. Enforce the orders we have, clear the roads and don't deposit on the marsh. Have to be taken up with Selectmen and DPW. Whether they come to the meeting or not, but it would be good to get them here. What an e-mail says and what is happening are two different things.

The Glenn - Trails: Mr. Snow went to a neighborhood party and asked people there and they said if there was a trail, they would walk it. Access off Indian Winds would be good too. Ms. Scott-Pipes: The reason we were very adamant it was part of their mitigation, allowed to fill wetlands, put a road across, one of the reasons, opportunity to go out onto Summer Street. Possibly someday there might be access to land on the other side of Summer Street. Want that access to Summer Street; there will never be another opportunity. Mr. Schmid: going through environmentally sensitive areas. Mr. Gallivan: Howard and Dave were going out, but the snow came. An easement is specified in the orders through the property for a trail. At some point will have to walk it to find the less invasive area for a trail.

214 Clapp Road – ENF was filed. Outstanding water resource area, they didn't mentioned certified vernal pools and Mr. Gallivan will let them know.

Certificate of Compliances: 25 Circuit Ave., OK; 29 Laurelwood no resource areas, OK; 153 Jericho Road is not ready.

136 Indian Trail – check came in. Pat Brennan may want to put on for the next meeting.

140 River: dropped our enforcement; Army Corp is going forward. Brandon Moss says we had to do something with it by next week. Mr. Snow: we can't just leave the Enforcement Order on the property? Dropping it doesn't keep us out of the loop.

Minutes: October 16, 2013 & October 28, 2013

Motion to accept the minutes of October 16, 2013 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Motion to accept the minutes of October 28, 2013 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Snow: would really like to have a non-hearing night meeting. For Boy Scout work, inclined to think Driftway Park; Howard Mathews takes care of Bates Lane; Ellis property could use a little work. Might be a bunch of kids for 6 hours/1 day. Mr. Snow will try and meet with them. Make a list.

CORRESPONDENCE

December 10, 2013 – December 18, 2013

1. The Beacon
2. Recording of CofC for 68-1158 – 22 Jenkins Place (in file)
3. Recording of CofC for 68-1543 – 30 Ocean Drive (in file)
4. Planning Board Application for 36 Tichnor Place – change lot lines. – Comments no later than 12/18/13
5. Planning Board re: Stormwater Permit – 31 Lawson Road – 2 new two family dwellings with attached garage, access driveway, lawn, landscaping and associated utilities. Approximately 28,000 sq. ft. of land will be disturbed. Please send comments by 12/27/13.
6. Planning Board Agenda for December 19, 2013.
7. Planning Board re: Foam A Application – 179 Edward Foster Road – creation of 2 new buildable lots by combining Parcel 6 with Lot A and Parcel 7 with Lot B. Lot B has 100' frontage and Lot A 50'. Lot A will be submitted to Zoning. Comments no later than 12/18/13.
8. Merrill report for 121 Indian Trail. (e-mailed to members 12/18/13) (in file)
9. Request to continue 87 Maple Street to 1/6/14 (in file)
10. Request from Planning to look at CR for White Ash Farm Lane – 305 Country Way for any changes (e-mailed to members 12/18/13)

Meeting adjourned 8:42 p.m.

Respectfully submitted,

Carol Logue, Secretary